



**MINUTES
CITY COUNCIL MEETING
February 19, 2019**

CALL TO ORDER

The meeting was called to order at 6:32 pm.

Present: Mayor: Charlie Miner; Council: Deirdre Kvale, Michelle Jerde, Jahn Dyvik, and Tom Skjaret

Staff Present: City Administrator: Scott Weske; City Attorney: John Thames; Planning Consultant: PeggySue Imihy; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS - LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following comments and updates:

During the Economic Development Authority meeting held prior to the regular meeting, the EDA received a couple great presentations from consultants – one presentation regarding the basics of Tax Increment Financing, and a second presentation explaining the functionality of the Planning Unit Development zoning classification. Consultants and staff have been advising Council that they have been contacted by a number of parties interested in potential development projects, and the presentations provided offered a good and relevant learning opportunity.

Mayor Miner offered condolences to Megan Dayton and her family for the unexpected passing and loss of Jim Dayton.

APPROVE AGENDA

A motion was made by Skjaret, seconded by Dyvik, to approve the Agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of February 5, 2019 City Council Work Session
- B. Approve Minutes of February 5, 2019 City Council Meeting
- C. Receive Minutes of January 22, 2019 EDA Meeting
- D. Approve Vendor Claims and Payroll
- E. Approve Issuance of a 1 to 4 Day Temporary On Sale Liquor License for the Church of St. George to Allow the Sale/Service of Alcoholic Beverages During the 2019 Festival of Music Dinner on Saturday, March 2, 2019

A motion was made by Jerde, seconded by Skjaret, to approve the Consent Agenda as presented. Ayes: all.

OPEN CORRESPONDENCE

No one appeared to address the City Council during Open Correspondence.

BUSINESS ITEMS

Planning Case #2019-01 Request for a Variance to the Required Amount of Parking for a Mini-Storage Facility Located at 2420 Industrial Boulevard W; Request for the Design Review for the Redevelopment of the Property Located at 2420 Industrial Boulevard W; Request for a Variance to the Allowed Building Materials for a Structure Located at 2420 Industrial Boulevard W (Applicant: John Luse, Safeway Mini-Storage)

Planning Consultant Imihy indicated that the applicant, Mr. Luse, is requesting variances and permission for expansion of a non-conforming use. She depicted a location map and photos showing the location of the current Safeway Mini-Storage facility in relationship to adjacent businesses and roadways and explained that:

Mini-storage is no longer a permitted use in any zoning district in Long Lake, and while the facility is legally allowed to operate as is, an expansion of the non-conforming use requires City Council approval. The Planning Commission did not weigh in on this portion of the application, as expansion of a non-conforming use is an application for specifically Council's review only.

The applicant is proposing to demolish the existing center building on the property and to replace it with a new 35' tall structure to accommodate additional storage. The property is located in the B-2A Service Business District which promotes a mix of retail and service uses. On the south side, the property does abut industrial uses in the I-1 and I-2 Industrial districts.

The applicant's request for a variance from parking requirements would allow for a reduction of parking spaces for the facility from the required number of eight to four. Currently, there is already a paved area on the south side of the property where four spaces are located, and the applicant has stated that most commonly those who utilize the facility park their vehicles in front of their units to load and unload items. Staff finds the request for a variance from parking requirements to be reasonable, and at their February 12 meeting, the Planning Commission voted to recommend approval of this variance.

The second variance request is to allow for use of exterior building materials that are not permitted materials according to the standards of the B-2A zoning district requirements. This issue resulted in complex discussion at the Planning Commission meeting. Imihy clarified that it is possible for a project's design to meet the standards of the Village Design Guidelines while not meeting the building materials requirements allowed within a zoning district. Certain zoning districts include language specifying permissible building materials. The applicant in this situation is requesting that they be permitted to use insulated metal paneling as their primary building material. Imihy advised that insulated metal paneling is not a permitted building material in the B-2A zoning district.

She displayed elevations of the proposed building's design, and also displayed photos of the properties to the left and right of the mini-storage site, noting that the adjacent properties are conforming in both use and building materials.

Imihy indicated that staff would recommend the Council consider a vote to deny the building materials variance. The Planning Commission voted 3:2 to recommend denial of the variance from building materials requirements at their meeting. Some members felt the proposed material was acceptable and that the property owner should not have to comply with the district requirements. She explained that her rationale for recommending denial was based upon finding that the building could be physically constructed with materials allowed by B-2A zoning district standards, and the applicant's decision to use the insulated metal paneling was based upon economics. In correlation,

as the building proposed would not comply with building materials requirements and neighboring properties within the zoning district are in compliance, she would also recommend denial of expansion of the non-conforming use. The building could expand with the use of appropriate allowable building materials, but the applicant has chosen not to propose to do so. In reviewing the application, her recommendation to consider denial of expanding the non-conforming use was in relation to finding that the proposed expansion would not be compatible with adjacent properties. She noted her recommendation is tied to the fact that when the applicant desires to expand the non-conforming use, they wish to do so using materials not consistent with zoning district standards and adjacent properties.

Imihy clarified that variances do not set precedent, but are a legal tool that only affects the individual property. Whether or not variance action affects people's mindset, the granting of a variance creates no obligation to future or similar applications.

Council member Skjaret observed that consulting staff and the Planning Commission did exactly the job they were supposed to do and made findings based upon a set of criteria. He acknowledged the business owners and noted he was thrilled they want to make an investment in the community and reinvest in their business. He commented on challenges faced by the Council when considering denial, referencing other expansions of non-conforming uses and current notable ongoing code enforcement violations. He expressed a willingness to be open to considering the building materials proposed if it appeared the overall finish would be attractive, but asked for examples of similar material use in local buildings.

Ron Powell, architect from Mohagen Hansen representing Mr. Luse's application, described his firm's background in design of self-storage facilities regionally and nationally; provided visual aids displaying examples of other projects incorporating the insulated metal panel materials proposed for the Safeway project; brought forth a physical example of the product for Council members to view and handle; and responded to Council member questions regarding the design of the proposed structure and whether allowable building materials could be incorporated in part within the design.

In response to discussion regarding the proposed material being allowable in the adjacent Industrial zoning districts, Imihy pointed out that while the insulated metal paneling material is permitted in the nearby Industrial districts, performance standards still apply limiting the percent of which such material could be used on a front façade, with brick or masonry also being required. Imihy stated she was in agreement with some of the concerns voiced by Council. The options for consideration to permit the project would be to either change the building materials requirements in zoning code affecting all similarly zoned businesses, or to permit a variance.

John Luse, Safeway Mini-Storage, stated that they had looked at other options but ultimately preferred the look of the proposed building material product for their project design. He noted the panels are also available with stucco and granite appearing finishes. Mr. Luse reviewed his history in operation at the site, emphasizing that he would like for his business to stay in Long Lake in expand versus moving elsewhere. Many of his customers are Long Lake residents and businesses, and his expansion would be continuing to serve local needs.

Bob Erickson, owner of the adjacent Sherwin Williams building, spoke in support of Mr. Luse's application to state that he felt it would be a tremendous improvement for the area of Industrial Boulevard W. He discussed his history of property ownership in the vicinity of the proposed project; his previous knowledge of how zoning districts had evolved in the area; and stated that the issues Mr. Luse is facing in his application are not of his own making, but are of regulations which did not exist previously but are applicable now. Mr. Erickson referenced his current role as a member of Orono's Planning Commission.

Administrator Weske asked whether mini-storage facilities are a permitted use in Orono, and whether they would be considered allowable for new construction along County Road 112.

Mr. Erickson responded that Orono land along County Road 112 is being developed for primarily residential uses, and their approvals of recent multi-family residential projects will create opportunity for a market for storage.

Consultant Imihy noted the applicant's continued use of the site would not be in conflict with either the City's 2030 or 2040 Comprehensive Plans which guide the area for commercial use.

Anita Secord, Planning Commission, commented that during the Planning Commission's review of the project, the issue she perceived related to the consistency of the appearance of buildings in the zoning district. The proposed project offers a beautiful rendition, however, the substantial metal building's location in between the McDonald's and Sherwin Williams would be inconsistent. The other two Planning Commission members who voted for denial of the building materials variance did so with a similar finding.

Council members discussed their appreciation for Mr. Luse's proposed investment in the City and deliberated regarding the proposed building materials.

Mr. Luse advised that the material they're proposing to use is consistent with his industry of operation. The materials permitted in zoning code would be less efficient and effective than the material proposed for his type of use; however, if a stucco finish was a way to move the project forward, he would be open to considering alternatives. He noted that brick just would not work for his use.

Imihy pointed out that her role is to be an objective guide and make findings based upon criteria; however, the Council is not obligated to take action consistent with the staff recommendation and may make different findings based upon their knowledge of the community. She responded to questioning and commented that she is a consulting planner for the City of Wayzata who also does not permit the use of insulated metal paneling in areas similar to this.

Council member Dyvik stated that he was inclined to support the expansion of the non-conforming use; however, he noted he felt the applicant is asking the Council to adopt his design standard because that's the standard for his type of facility, rather than adhering to the City's design standard. He added while he understands the building materials proposed are consistent with a storage unit use, he is more concerned about Long Lake than the industry standard, and steel insulated panels can be made to look like other materials.

Staff commented that amending the list of permitted building materials in the B-2A zoning district would allow any business and use along the County Road 112 corridor in the same district to employ the materials proposed for the storage facility.

After further discussion of the building materials proposed, Council members were prepared to take voting action.

A motion was made by Skjaret, seconded by Jerde, to adopt Resolution No. 2019-10 approving the requested variance for a reduction in the required amount of parking at the subject property with the condition that the request for the expansion of the non-conforming use is approved by the City Council. Ayes: all.

A motion was made by Skjaret, seconded by Jerde, to adopt Resolution No. 2019-11 approving the requested variance to the allowed building materials for the proposed structure at the subject property. Ayes: Kvale, Jerde, Miner, Skjaret. Nay: Dyvik. Motion carried.

A motion was made by Skjaret, seconded by Jerde, to adopt Resolution No. 2019-12 approving the request for the expansion of a legal, non-conforming use at the subject property. Ayes: all.

Recommend Authorization to Close on the Purchase of Property Located at 1905 Wayzata Boulevard W

City Attorney Thames indicated that the 90 day due diligence period for the purchase of the former BP station site will be wrapping up this week. During the due diligence period, the EDA had decided to decline to go forward with additional soil testing at the site, but to request that Croix Oil Company remove some materials from the site. Thames had received a title policy and had presented it to the EDA in the meeting prior to the Council meeting. Thames stated he believes the title policy is satisfactory to address City concerns, and staff is recommending the Council approve a resolution to authorize the Mayor and Administrator to sign closing documents at this time.

A motion was made by Dyvik, seconded by Skjaret, to adopt Resolution No. 2019-13 authorizing the Mayor and City Administrator to execute any and all necessary documents to effectuate the closing of the purchase of the Subject Property at 1905 Wayzata Boulevard W. Ayes: all.

OTHER BUSINESS

Pending Applications – Weske reported that City Hall continues to be busy with active interest in properties and projects. The Planning Commission and City Council will have three land use applications to review during March meetings.

Safeway Mini-Storage Followup Comments – Council member Jerde commented that she thought it was good the Council had been able to arrive at decisions that would allow the Safeway Mini-Storage to stay in Long Lake. Council member Kvale agreed.

New BDI Grant Application – Council member Dyvik advised that he had been in contact with Hennepin County BDI grant staff and was notified the City may be in a good place to qualify for another round of grant funding as the County Road 112 project remains under construction. He indicated that the deadline for grant application submission is February 28, and sought Council support for him taking the lead to submit an application on the City's behalf. Supportive comment was received by fellow Council members.

Phase 1 Landscaping Project Preparation – Council member Dyvik noted he would be sending an email to the CR 112 Landscaping Subcommittee to ask them to review staking placed by Hoffman & McNamara for proposed tree locations along the berm. Stakes were placed six feet up the berm, and Council member Dyvik felt the locations would create a nice street lining effect. He recalled that some credits will be available for landscaping work that will not be able to be installed according to the plan set, and there could be opportunity to install attractive shrubs behind the tree line along the berm.

Light Pole Accident – Council member Jerde questioned whether a vehicle accident had removed one of the new light poles in the corridor. Moeller was uncertain of the status of any claim, but confirmed that staff was aware of and following up on the incident.

Goal Setting Session – Council member Dyvik encouraged members to come prepared for the Council's goal setting work session during the following week. Mayor Miner confirmed that the

Planning Commission had met the previous week and has a few goals they will be bringing forward. The Park Board will likely be meeting prior to the goal setting work session as well.

Temporary Office Closure – Mayor Miner encouraged City Clerk Moeller to share an update on the unusual temporary office closure coming up. Moeller explained that the office would be closing on Thursday, February 21 and Friday, February 22 in order for her to travel and attend memorial services for the passing of a loved one. Unfortunately the timing of services is coinciding with Administrator Weske being out of state on a family vacation as well, thereby making a closure necessary. She thanked the Council for their condolences, understanding and support.

Planning Consultant Comments – Imihy thanked Council members for weathering a difficult discussion during the review of the Safeway Mini-Storage application, and confirmed she believes the City will be seeing a lot of applications in the month's ahead. March's agenda is already very full, and April agendas are looking to be full as well. She also affirmed that the Planning Commission will be receiving a presentation regarding the PUD zoning classification, and WSB is working on a proposal for updating the PUD ordinance at this time.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 7:57 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk